This application has been reviewed in light of the Office Action dated April 4, 2007. Claims 1, 2, and 5-14 are presented for examination, of which Claims 1, 11, and 14 are in independent form. Claim 12 has been amended to define still more clearly what Applicants regard as their invention. Favorable reconsideration is requested.

Claim 12 was rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter.

Claim 12 has been amended to recite "a control program stored in a computer-readable storage medium . . .." Accordingly, it is believed that the rejection under Section 101 has been obviated, and its withdrawal is therefore respectfully requested.

Claims 1 and 5-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 7,062,532 (*Sweat*) in view of U.S. Patent 5,933,825 (*McClaughry*). Applicants disagree and traverse the rejections of Claims 1 and 5-14 under 35 U.S.C. § 103(a) for at least the following reasons.

According to an aspect of at least one embodiment of the invention to which Claim 1 relates, an exclusive control right acquisition method to govern the allocation of exclusive control among various terminals that are concurrently using a virtual space is provided, such as is used in remote meeting systems, network gaming, cooperative design systems, etc. This method is based in particular, on the hierarchical structure of the virtual space.

Claim 1 is directed to an information processing method for setting an exclusive control right of a data item by a specific process in a system in which a plurality of processes that can communicate with each other via an information transmission medium share

data including a plurality of data items, the method including designating a desired data item for which the exclusive control right is to be set, in a first designation step. In a retrieval step, a data item which belongs to a lower layer with respect to the designated data item based on the hierarchical structure information of the plurality of data items is retrieved. In a determination step, it is determined whether or not an exclusive control right of another process is set for each data item retrieved in the retrieval step, and in a setting step, the exclusive control right for the specific process is set as to the designated data item and as to a data item retrieved in the retrieval step, when it is determined in the determination step that an exclusive control right by another process is not set as to the retrieved data item.

Among notable features of the method of Claim 1, are the retrieval step and the determination step. In the retrieval step, a data item which belongs to a lower layer with respect to the designated data item based on the hierarchical structure information of the plurality of data items is retrieved. In the determination step, it is determined whether or not an exclusive control right of another process is set for each data item retrieved in the retrieval step. By virtue of these features, a data item is retrieved that belongs to a <u>lower</u> layer with respect to the designated data item designated in the first designation step.

Sweat, as understood by Applicants, relates to a method and apparatus for drawing collaboration on a network. In particular, *Sweat* relates to organizing and providing access to information on a computer for organizing and providing access to architectural drawings, files, and information over a network such as the Internet.

As conceded at page 5 of the Office Action, *Sweat* fails to disclose the retrieval step, the determination step, and the setting step of Claim 1. The Office Action alleges, however,

that the deficiencies of *Sweat* are remedied by the teachings of *McClaughry*. Applicants respectfully disagree.

McClaughry, as understood by Applicants, relates to a locking scheme to arbitrate thread access to file system objects. In particular, the locking scheme allows multiple threads simultaneous access to file system objects for certain concurrently compatible operations, while forbidding concurrently incompatible operations.

In contradistinction to the method of acquiring "locks" in *McClaughry*, an exclusive control right in Claim 1 is granted to <u>both</u> the retrieved data item and the designated item <u>after</u> it is determined that the retrieved data items (which belongs to a lower layer than the designated item) do not have an exclusive control right set by another process. Thus, in Claim 1, multiple checking takes place before the exclusive control right is set.

In *McClaughry*, no consideration is given to determining whether an exclusive control right is already set for data items <u>below</u> the designated data item before acquiring a lock. In *McClaughry*, a lock is acquired first, and then the <u>ancestors</u> (upward in the hierarchy) of the object are checked. Thus, even if "acquiring a lock" is deemed to be equivalent to setting the exclusive control right, *McClaughry* does not teach or suggest the retrieval and/or determination steps of Claim 1. At most *McClaughry* is determining whether a lock is available regarding only the designated data item.

Applicants submit that nothing in *McClaughry* would disclose or suggest a retrieving a data item which belongs to a lower layer with respect to the designated data item designated in said first designation step on the basis of hierarchical structure information of the plurality of data items; much less determining whether or not an exclusive control right by

another process is set, for each data item retrieved in the retrieval step, as claimed in Claim 1.

Accordingly, Claim 1 is believed to be clearly allowable over *Sweat* or *McClaughry*, either considered separately or in any permissible combination (if any).
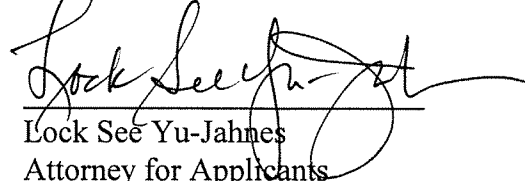
Independent Claims 11 and 14 each recite features similar in many relevant aspects to those discussed above with respect to Claim 1, and therefore are also believed to be patentable over *Sweat* and *McClaughry* for at least the reasons discussed above.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim also is deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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